

BILL # SB 1421

TITLE: economic loss; restitution; definition

SPONSOR: Huppenthal

STATUS: As Introduced

REQUESTED BY: Senate

PREPARED BY: Kim Hohman

FISCAL ANALYSIS

Description

SB 1421 amends current statute by adding the definition of “economic loss” to the victims’ rights and restitution chapters of the criminal code and the victims’ rights section of the juvenile offenses chapter. In addition, the bill specifies that the definition of “economic loss” include future lost earnings of the victim.

Estimated Impact

The bill is estimated to have no state fiscal impact. The bill is likely, however, to increase court costs at the local level. Since the bill redefines “economic loss” to include potential future lost earnings of a victim, additional expert witnesses could be required for the restitution phase of a case. The costs of additional expert witnesses would be paid by the counties.

The Administrative Office of the Courts (AOC), the Maricopa County Public Defender Office, the Arizona Association of Counties, and the Arizona Prosecuting Attorneys’ Council believe that SB 1421 is likely to increase court costs at the county level and increase county jail costs.

The County Supervisors Association and the Arizona Office of the Attorney General have not provided their perspectives on this bill.

Analysis

SB 1421 changes the definition of “economic loss” to include future lost earnings of a victim in a court case. Currently, the courts do not consider future potential earnings when determining the amount for victim restitution. Including future earnings as well as past earnings in determining victim restitution is likely to increase the amount awarded to the victim of a crime.

SB 1421 is likely to increase the amount spent by the prosecution and defense counsel on the costs of expert witness. According to the AOC and county organizations, the experts currently used in restitution hearings would not handle the issue of potential future lost earnings, which would require additional expert witnesses and increase the costs of restitution hearings. In addition, since the restitution phase of a case is likely to last longer as a result of SB 1421, there could be increased operational costs for local courts. These costs would also be paid by the counties.

The Arizona Association of Counties has indicated that the bill could result in increased court-ordered restitution payments for offenders sentenced to probation. Depending on how restitution payments are affected by the bill, the Arizona Association of Counties believes that it is possible that offenders could fail to make these payments if they are significantly higher, and would therefore violate their terms of probation. In this instance, the bill could result in an increase in the number of probationers returned to jail and would subsequently increase jail costs at the county level.

Local Government Impact

As noted above, the JLBC Staff believes that SB 1421 is likely to increase court costs at the local level.